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Human rights situations that require the Council's attention

Written statement* submitted by the Nord-Sud XXI - North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Situation of Human Rights in Sudan*

The situation of human rights in Sudan deteriorated in a disturbing manner since the submission of the report of the Independent Expert, Prof. Mashood A. Baderin, to the 27th regular session of the Human Rights Council in September 2014 (A/HRC/27/69). Serious human rights abuses and crimes were reported in many parts of the country in flagrant violation of Sudan's obligations under international and regional human rights treaties. There are also reports about massive and systematic violations of international humanitarian and criminal law committed in regions of Sudan that witness internal armed conflicts such as Darfur, the Nuba Mountains and Blue Nile State.

Repression of human rights and fundamental freedoms in Sudan has been practiced by the State agents in many forms. The most common violations are arrests and detention of political opponents; torture and ill-treatment of detainees; curtailment of freedom of the press and media; violations of the right to religious freedom and belief; flogging and cruel inhuman and degrading punishments and treatment; suppression of the right to peaceful assembly and the dismantling of independent civil society. The victims of these human rights violations include people from all walks of life; such as students, journalists, human rights and pro-democracy campaigners as well as women and children.

The government continues to impose the National Security Act (NSA) as amended in 2010 despite national and international calls for its repeal, especially the provisions that sanction the commission of human rights violations and allows the security forces to arrest and detain people without charges or trial. Hundreds of political opponents have been arrested or prevented from leaving the country under NSA in 2014/2015. The list of such victims includes key political figures in Sudan such as Mr. Sadiq Al-Mahdi, President of Umma National Party and former Premier of Sudan, Mr. Ibrahim Al-Shiekh, President of the Sudan Congress Party, Dr. Mariam Al-Mahdi, Vice-President of the Umma National Party as well as Mr. Mohamed Abdalla El Doma, President of Darfur Bar Association. Political opponents are usually held under this NSA for several months before their release without charge or trial. On 7 December 2014, the security forces arrested Mr. Farouk Abu Issa Chairperson of the National Consensus Forces (NCF) and Dr. Amin Makki Madani, Chairperson of the Sudan Human Rights Monitor upon their return to Khartoum from Addis Ababa where they signed the Sudan Call. This political declaration called for democratic transformation in Sudan and an end to the armed conflict and violation of international human rights and humanitarian law. Mr. Farah Ibrahim Agar, senior advisor to the Sudan People's Liberation Movement-North (SPLM-N), had been arrested and detained on the same occasion. Despite the fact that Mr. Abu Eissa (78 years) and Dr. Madani (76) suffer from multiple diseases such as high blood pressure and diabetes, yet they were held for detained for 4 months, ill-treated and prevented from regular medical check-up.

In areas of Sudan affected by the armed conflict such as Darfur, the Nuba Mountains and Blue Nile State, the human rights and humanitarian situation is catastrophic. More than 3 million people live as internally displaced persons (IDPs) in Sudan with Darfur shouldering the lion's share and where more than 2.7 million people are languishing in miserable conditions for more than 10 years. The government continues to impose a state of emergency measures in the conflict-affected regions, which allows the military, police and other security agents and government's allied militia groups a *carte blanche* to commit all sorts of crimes under international human rights and humanitarian law with total impunity. The government continues to deny UN agencies free and unhindered access to the needy populations. International humanitarian organizations, including the International Committee of the Red Cross have been prevented by the government from accessing the conflict-affected areas in order to provide humanitarian assistance to thousands of desperately needy civilians. No independent humanitarian agencies are currently allowed by the government of Sudan to deliver relief material to the needy populations in areas controlled by the SPLA-N in the Nuba Mountains and the Blue Nile since the fighting started in June 2011. Thousands of children in areas controlled by the SPLA-N have been deprived of immunization during the last four years due to the government persistent rejection of any offer for an immunization campaign in these areas.

Darfur, which had been characterized by Prof. Baderin in his aforementioned report as: *"... a major human rights tragedy for the country"* where *"... widespread human rights violations and large-scale civilian displacements due to the persistence of fighting between the Sudanese Armed Forces and armed opposition groups in the region"*, is the scene of a dramatic development with the deployment of thousands of militiamen. This militia is composed of the notorious Janjaweed, re-baptized as the Rapid Support Forces (RSF).

The crime of rape and sexual violence against women is a major concern in the armed conflict affected areas. On 30 October 2014, a large contingent of the Sudanese army reportedly attacked the civilian population in Tabit area in North Darfur State. During this attack the soldiers reportedly mass-raped more than 200 women and young girls. The men of the villages were arbitrary arrested and detained where they were severely beaten and threatened not to report the incident to any external observers, including UN agencies and foreign reporters. Attempts of external observers as well as those of the African Union and the United Nations to investigate this incident were frustrated by the government of Sudan, which blocked the area to conceal any potential evidence. The government of Sudan prevented the African Union-United Nations Hybrid operation in Darfur (UNAMID) from carrying out a free and independent investigation of the incident.

Fighting between Arab groups over land control surged in Darfur in 2014 and 2015. It caused the death, destruction of villages and civilian installations as well as important internal displacement of civilians. In the first six months of 2015, inter-Arab tribal fighting in North, East and Central Darfur States resulted in hundreds of deaths and the displacement of about 200,000 persons. The renewed inter-tribal fighting in Darfur, where government soldiers reportedly took sides in support of their clans, is a reminder of the government inability to protect civilians in Darfur and to reign over its own security forces and ensure that they play a neutral role in ending such conflicts.

We call on the 30th regular session of the Human Rights Council to:

1. Strongly condemn the systematic and massive violations of international human rights and humanitarian law committed by the government of Sudan, particularly indiscriminate aerial bombardment of civilian targets and the use of food and other life-saving material including medicine and vaccine as tools of war against civilians in Darfur, Southern Kordofan and Blue Nile States.

2. Demands that the government of Sudan lift all restrictions on full enjoyment of basic civil and political rights, ends harassment of political opponents and put a halt to arbitrary detention, torture and ill-treatment of detainees.

3. Demand that the government of Sudan allows independent investigation of all allegations of sexual violence committed by the security forces in Darfur and make public the results of such investigation.

4. Urge the Security Council to ensure that the government of Sudan grants humanitarian agencies and relief organizations unhindered access to Darfur, Southern Kordofan and Blue Nile States.

5. Demand that the government of Sudan reforms all national laws and regulations that are incompatible with the country's regional and international human rights obligations; particularly it should repeal the Public Order Regime and amend all the repressive provisions of the National Security Act of 2010 and other laws granting immunity to officials.

6. Appoint a Special Rapporteur on the situation of human rights in Sudan under Item 4 of the Council agenda to replace the current mandate of the Independent Expert with a clear mandate to monitor and report to the Human Rights Council and the General Assembly on violations of human rights in all parts of Sudan.

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*Darfur Relief and Documentation Centre, NGO without consultative status, also shares the views expressed in this statement.